

REMARKS

Claims 1-23 are pending in the application.

Claims 1-23 have been rejected.

Claims 1, 10 and 15 have been amended as indicated above.

Reconsideration of the Claims is respectfully requested.

1. Rejection under 35 U.S.C. 103

The Final Office Action, having a mailed date of June 5, 2006, had previously rejected Applicant's claims rejected Claims 1, 7-9, 15 and 21-23 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Applicant No. 2002/0067704, to Ton ("Ton") in view of Perkins, IP MOBILITY SUPPORT (October 1996) ("Perkins I").

The Final Office Action had previously rejected Claims 2, 3, 10, 11, 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over Ton in view of Perkins as applied to Claims 1 and 16 above, and further in view of U.S. Patent App. No. 2002/0078238, to Troxel ("Troxel").

The Final Office Action had previously rejected Claims 4 and 12 under 35 USC 103(a) as being unpatentable over Ton in view of Perkins and further in view of Troxel as applied to Claims 2 and 10 above, and further in view of Jue et al. ("Design & Analysis of Replicated Server Architecture for Supporting IP-Host Mobility") ("Jue"), and even further in view of Tiedmann et al., U.S. Patent No. 6,615,050 ("Tiedmann").

The Final Office Action had previously rejected Claims 5-6 and 13-14 as being unpatentable over Ton in view of Perkins and further in view of Troxel as applied to Claims 2 and 10 above, and further in view of Perkins, "MOBILE NETWORKING THROUGH MOBILE IP (1998) ("Perkins II") and U.S. Patent No. 5,590,092, to Fehnel ("Fehnel").

The Final Office Action had previously rejected Claim 18 under 35 USC 103(a) as being unpatentable over Ton in view of Perkins I and further in view of Troxel as applied to claim 17 above, and further in view of Jue.

The Final Office Action had previously rejected Claims 19 and 20 under 35 USC 103(a) as being unpatentable over Ton in view of Perkins I and further in view of Troxel as applied to Claim 17 above, and further in view of Perkins II.

Ton recites a "network [that] will have a number of Mobile Nodes attached to the network. Each Mobile Node will have an IP address and be attached to the network through a Home Agent. When visiting another network a Mobile Node will register with that network through a Foreign Agent. The network will provide a number of Home Agents through which the

Mobile Node may register, although the Mobile Node will be statically configured to register with a given Home Agent.” (Ton ¶ 0023).

Troxel recites an “invention [that] can enable nodes on a foreign subnetwork to exchange messages.” (Troxel ¶ 0016).

Jue recites “[m]obility supporting IP networks [that] requires servers to forward packets to mobile hosts and to maintain information pertaining to a mobile host’s location in the network.” (Jue, Abstract).

Tiedmann relates to a cellular telephone “system for increasing the reliability of the cellular telephone system in environments having substantial multipath propagation or under conditions wherein a large number of mobile telephone units simultaneously attempt to access a base station.” (Tiedmann 1:18-24). Specifically, Tiedmann relates to “[reducing] interference between multiple spread-spectrum transmitters operating simultaneously . . .” (Tiedmann 3:12-15).

Perkins I recites that “Mobile IP requires the existence of a network node known as the home agent. Whenever the mobile node is not attached to its home network (and is therefore attached to what is termed a foreign network), the home agent gets all the packets destined for the mobile node and arranges to deliver them to the mobile node’s current point of attachment.” (Perkins I at page 59).

Perkins II recites “allowing the mobile node to use two IP addresses: a fixed home address and a care-of address that changes at each new point of attachment (Perkins II at page 59).

Fehnel recites “an object . . . to provide methods and systems for generating a current time of day in a cellular radiotelephone. (Fehnel 2:20-22).

Applicant respectfully submits that the cited references do not teach or suggest storing addresses for a plurality of home agents in a subscriber unit prior to a first registration attempt, nor do the references set out the elements as recited in Applicant’s claims.

Applicant's Independent Claim 1 as amended recites, *inter alia*, “*storing addresses for a plurality of home agents in the subscriber unit prior to a first registration attempt, wherein the plurality of home agents includes a primary home agent and a plurality of secondary home agents; attempting the first registration with the primary home agent from the stored address of the plurality of home agents; failing to achieve registration with the primary home agent; and the subscriber unit selecting a secondary home agent from the plurality of secondary home agents in an attempt to balance load among the plurality of secondary home agents.*” (emphasis added).

Applicant's Independent Claim 10 as amended recites, *inter alia*, method for registering a subscriber unit with a home agent in a cellular system, the method comprising: *storing addresses for a plurality of home agents in the subscriber unit prior to a first registration attempt, wherein the plurality of home agents includes a primary home agent and a plurality of secondary home agents; attempting the first registration with the primary home agent; failing to achieve registration with the primary home agent; . . . ; and attempting registration with the first secondary home agent.*” (emphasis added).

Applicant's Independent Claim 15 as amended recites, *inter alia*, a subscriber unit that operates within a cellular system “comprising: . . . at least one digital processor coupled to the radio frequency unit that executes software instructions causing the subscriber unit to: *store addresses for a plurality of home agents in the subscriber unit prior to a first registration attempt, wherein the plurality of home agents includes a primary home agent and a plurality of secondary home agents; attempt the first registration with the primary home agent; failing to achieve registration with the primary home agent; select a secondary home agent from the plurality of secondary home agents in an attempt to balance load among the plurality of secondary home agents; and attempt registration with the secondary home agent. . . .*” (emphasis added).

Applicant respectfully submits that there is no suggestion or motivation in Ton or the various references cited, either in these references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify Ton or combine the various cited references to achieve Applicant's claimed invention of Claims 2-6 (which depend directly or indirectly from Independent Claim 1), Claim 10 and Claims 11-14, which depend directly or

indirectly from Claim 10, and Dependent Claims 16-20 (which depend directly or indirectly from Independent Claim 15).

Applicant also respectfully submits that all of the elements set out in Applicant's claims are not taught or suggested in the cited references.

Accordingly, Applicant respectfully submits that the previous final Office Action does not set out a *prima facie* showing of obviousness in view of Applicant's claims.

2. Conclusion

As a result of the foregoing, the Applicant respectfully submits that Claims 1-23 in the Application are in condition for allowance, and respectfully requests allowance of such Claims.

If any issues arise, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ksmith@texaspatents.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126.

Respectfully submitted,

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